

## SENATE CONCURRENT RESOLUTION.

(By Unanimous Consent.)

By Senator Brachfield:

Senate Concurrent Resolution No. 3:

Be it resolved by the Senate, the House of Representatives concurring. That the Fourth Special Session of the Thirty-first Legislature of Texas do stand adjourned sine die at 10 o'clock a. m., September 8, A. D. 1910.

WATSON,  
BRACHFIELD.

The resolution was read and referred to the Committee on State Affairs.

## FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following simple resolution: "We move that the House recall its message to the Senate, and that the House do not concur in Senate amendments to Senate bill No. 10, and asks for the appointment of a Free Conference Committee on the part of the Senate to confer with a like committee to be appointed by the House."

The following has been appointed on part of the House: Messrs. Gilmore, Looney, Stamps, Goodman and Caves.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Senator Weinert moved that the Senate grant the request of the House for the appointment of a Free Conference Committee.

The motion prevailed, and the Chair appointed the following as the Free Conference Committee: Senators Weinert, Hudspeth, Murray, Senter and Ward.

## RESOLUTIONS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

House Concurrent Resolution No. 4. Providing for the removal of the remains of Stephen F. Austin to the State cemetery at Austin.

House Concurrent Resolution No. 6, Congratulating the Republic of Mexico in this, the centennial of their declaration of independence.

## ADJOURNMENT.

On motion of Senator Hume, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, September 8, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Murray.
Holsey.	

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

The Chair called the regular order of business, and, there being no business under this head, the Chair declared the morning call concluded. (See Appendix for committee reports.)

## SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Resolved, That the Secretary of the Senate be allowed postage to the amount of \$6.00, for the purpose of mailing out

Journals of the last day to the members of the Senate, per resolution adopted providing for same.

The resolution was read and adopted.

#### AMENDMENTS TO BE NOT PRINTED IN JOURNAL.

Senator Weinert, having filed a committee report on House bill No. 17, the House penitentiary bill, which recommended that the bill do pass, with amendments, and that same be not printed. (See Appendix for committee report.)

Senator Murray moved that the committee amendments be not printed in the Journal.

The motion prevailed.

#### SIMPLE RESOLUTION.

By Senator Harper:

Resolved, That the President of the Senate appoint a committee of three to name the officers and employes to be retained after the adjournment of the Legislature, and the length of time they shall serve, and the work they shall do.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following as the committee: Senators Harper, Mayfield and Ratliff.

#### AT EASE.

The Senate was here at ease, subject to call of the Chair, on motion of Senator Meachum.

#### IN SESSION.

At 11:40 o'clock the Senate was called to order by Lieutenant Governor Davidson.

#### RECESS.

On motion of Senator Meachum, the Senate recessed until 2:30 o'clock today.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 3, Relating to the modification of the Fourteenth Amendment and the repeal of the Fifteenth Amendment to the Constitution of the United States.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) referred, after its caption had been read, the following resolution:

House Concurrent Resolution No. 3, referred to Committee on Privileges and Elections.

#### POST-SESSION CLERICAL WORK.

Senator Harper offered the following special committee report:

Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the Third and Fourth Called Sessions of the Thirty-first Legislature, and to report and recommend such officers and employes as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report as follows:

1. That 250 volumes of the Senate Journal of the Third and Fourth Called Sessions of the Thirty-first Legislature, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with the pre-existing law and with the provisions of this resolution under the su-

pervision of the Journal Clerk of the Senate; and it is further provided that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purpose of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Third Called Session and Fourth Called Session of the Thirty-first Legislature that are available; provided that the chairman of the Contingent Expense Committee shall not issue voucher for said account until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Secretary, Clyde D. Smith, and Journal Clerk, R. M. Gilmore, each be retained for twenty days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index of the same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

3. That C. J. Duggan, the Calendar Clerk, be retained two days after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to Secretary of the Senate.

4. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle, and his clerk, Dennis Corwin, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds and one copy to the Secretary of State upon the adjournment of this Legislature; and that the Sergeant-at-Arms and his clerk, Dennis Corwin, be allowed two days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate of the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed three porters, Ellis Monroe and Frank Kelle and Ben Jackson, for one day to assist him, porters to be paid \$2.00 per day and this is to be out of the appropriation of the per diem of members, officers, clerks and employes.

5. We recommend that the Engrossing Clerk, F. P. Smith, and Assistant Enrolling Clerk, C. A. Jay, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature, and that each of them be paid for one day's time at \$5.00 per day.

6. That each of the above and hereafter named officers and employes, except porters, be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Third and Fourth Called Sessions of the Thirty-first Legislature.

7. That the Postmistress, Mrs. Annie Shirley, be requested to make out a list of the Senators and employes of the Senate with their respective postoffice address and furnish the same to the postmaster at Austin, with the request that he forward their mail to their re-

spective addresses after adjournment, and that she be paid for one day's time at \$5.00 per day.

8. That the expenditures under this resolution may be paid out of the contingent and per diem funds of the Third and Fourth Called Sessions of the Thirty-first Legislature; that \$30, or so much thereof as may be necessary, should be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

MAYFIELD,  
HARPER,  
RATLIFF,  
Committee.

The above report was read and adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Terrell of Bowie:

Resolved by the Senate, That the Senate Free Conference Committee on Senate bill No. 10, the same being the penitentiary bill, is hereby instructed not to make any agreement whereby said bill will not go into effect until some particular time after the passage of such act.

The resolution was read, and Senator Watson moved to table the resolution, which motion to table was adopted by the following vote:

#### Yeas—17.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

#### Nays—8.

Cofer.	Mayfield.
Holsey.	Paulus.
Hudspeth.	Ratliff.
Kauffman.	Terrell of Bowie.

#### Absent.

Bryan.

#### Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has appointed Mr. Moller on the Free Conference Committee on Senate bill No. 10 in the place of Mr. Stamps, who resigned.

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

#### RECESS.

On motion of Senator Harper, the Senate recessed until 5 o'clock p. m. this afternoon.

#### AFTER RECESS.

At 5 o'clock the Senate was called to order by Lieutenant Governor Davidson.

#### HOUSE BILL NO. 9—FREE CONFERENCE COMMITTEE REPORT ON.

Senator Harper offered the following Free Conference Committee report:

Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee appointed to consider House bill No. 9, with Senate amendments, said bill being a bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading



any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; providing for the verification of bills of lading by affidavits of local agent of carrier, prescribing form of such affidavit; providing for record of same, and fixing fee for taking same; and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost, by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law, creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency," have had the same under consideration and recommend that said House bill No. 9 with Senate amendments do not pass, but that in lieu thereof and as a substitute therefor that the following Free Conference Committee bill prepared by

your Free Conference Committee do pass.

SENER,  
MEACHUM,  
HARPER,  
WATSON,  
PEELER,

On the part of the Senate.

MOLLER,  
MUNSON,  
TARVER,  
CURETON,  
LOONEY,

On the part of the House.

Free Conference Committee Substitute  
for House bill No. 9:

#### A BILL

#### To Be Entitled

An Act requiring all railroads and steamship companies, and other common carriers, or receivers thereof, except express companies and pipe line companies, upon receipt of freight, to issue bills of lading, and to authenticate, validate or certify such bills of lading under the provisions of this act; prescribing certain requirements for bills of lading, and defining straight and order bills of lading; prohibiting the issuance of order bills of lading in sets or in duplicate; making it the duty of the Railroad Commission to adopt and prescribe forms, terms and conditions for the authentication, validation or certification of bills of lading, and prescribing the duties of the Railroad Commission in reference thereto; providing that all carriers affected by this act shall keep posted in certain places a written instrument authorizing the agent of such carrier to sign bills of lading; prescribing the duties of carriers affected by this act, and their liability for failure to take up and cancel order bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when order bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining certain duties and liabilities of carriers affected by this act with reference to and under a bill of lading, and providing that a bill of lading validated, authenticated or cer-

tified in accordance with the provisions of this act in the hands of an innocent holder shall be incontestable concerning the matters therein set forth in the bill; providing conditions when the carrier shall not be liable under the provisions of this act; creating and defining certain criminal offenses for the violation of the provisions of this act, and with reference to the issuance, negotiation or transfer of bills of lading, and prescribing penalties therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all railroad companies, steamship companies and other common carriers, or receivers thereof, except express companies and pipe line companies, upon the receipt of freight for transportation, to issue bills of lading therefor, and to authenticate, validate or certify such bills of lading, when the same shall be demanded by the shipper, in accordance with the provisions of this act.

Sec. 2. Each bill of lading issued by a common carrier to which the provisions of this act apply for an intrastate shipment, shall contain, and each bill of lading issued by such carrier for interstate or foreign shipment may contain, within the written or printed terms, in addition to the other requirements of this act, the following:

- (a) The date of its issuance;
- (b) The name of the person from whom the goods have been received;
- (c) The place where the goods have been received;
- (d) The place to which the goods are to be transported;
- (e) A statement of whether the goods will be delivered to a specific person or the order of a specific person;
- (f) A description of the goods or the packages containing them, which may, however, be in terms such as may be approved by the Railroad Commission;
- (g) The signature of the carrier or the duly authorized agent of the carrier; said bill of lading shall be signed with pen and ink, and the person signing the same shall attach his signature below all written, printed or stamped matter contained in said bill of lading, except the words, "Authorized Agent of ....." (stating the name of his principal), which shall appear below his signature;
- (h) The carrier may insert in a bill of lading issued by him any other terms

and conditions; provided, such terms and conditions shall not be contrary to law or public policy or the orders promulgated by the Railroad Commission; and, provided, further, that no language shall be inserted in any bill of lading having the effect of limiting or avoiding any of the provisions of this act;

(i) Provided, that when any form of bill of lading has been approved by the Interstate Commerce Commission, and has been adopted by any carrier and made a part of its tariff, then such bill of lading, as to interstate and foreign shipments, shall be a sufficient compliance with the provisions of this section of this act.

Sec. 3. A bill of lading in which it is stated that the goods are consigned or destined to a specific person is a "straight" bill of lading, and a bill of lading in which it is stated that the goods are consigned to the order of any person named in such bill of lading is an "order" bill of lading. "Order" bills of lading shall not be issued in sets or in duplicate, but copies thereof may be issued; provided, such copy has written or printed across the face thereof: "Copy—Not Negotiable."

Sec. 4. It shall be the duty of the Railroad Commission of Texas to adopt and prescribe forms, terms and conditions for the authentication, certification and validation of all bills of lading issued by common carriers referred to in Section 1 hereof, and to regulate the method and manner of their issuance, and to take all such steps as it may deem necessary to carry into effect the provisions of this act.

Sec. 5. It shall be the duty of the carriers affected by this act to keep posted for public inspection in some conspicuous place in the station or place where freight is received an instrument of writing authorizing the agent of such carrier, or person authorized to act for such carrier, selected for such purpose, to execute, sign and issue bills of lading, and the agent or person so authorized to act for said carrier, so selected, shall attach his signature to such instrument in the same manner that he signs bills of lading.

Sec. 6. Each and every bill of lading issued by the authorized agent of any carrier or receiver thereof, affected by the provisions of this act, shall be deemed and held to be the act and deed of such carrier or receiver thereof, and the principal shall be liable thereon in

accordance with the terms thereof. When any such bill of lading shall be validated, authenticated or certified in accordance with the rules and regulations herein provided for, and as may be prescribed by the Railroad Commission in accordance with the provisions of this act, and in the hands of an innocent holder for value, it shall be incontestable as to the matters and things therein set forth.

Sec. 7. If the carrier shall deliver goods for which an order bill of lading has been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel said bill of lading, such carrier shall be liable for the failure to deliver the goods to any one who, for value, in good faith, purchases such bill of lading whether the purchaser acquired title to the bill of lading before or after the delivery of the goods by the carrier and notwithstanding such delivery was made to the person entitled thereto; except when goods are sold to satisfy the carrier's lien, and except when compelled to do so by legal process.

Sec. 8. If a carrier delivers a part of the goods for which an order bill of lading has been issued, and fails to take up and cancel the bill of lading, or to place plainly upon the bill of lading that a portion of the goods had been delivered, with a description which may be in general terms, either of the goods or packages that had been so delivered, or of the goods or packages which still remain in the carrier's possession, he shall be liable for the failure to deliver all of the goods specified in the bill of lading to any one, who for value, and in good faith, purchases it, whether such purchaser acquires title to the bill of lading before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto; except when goods are sold to satisfy the carrier's lien, and except when compelled to do so by legal process.

Sec. 9. Where an order bill of lading shall have been lost or destroyed, a court of competent jurisdiction, in term time or in vacation, may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon the giving of a bond, with good and sufficient sureties, to be approved by the court, to protect the carrier or any person injured by such delivery

from any liability or loss incurred by reason of the original bill of lading remaining outstanding. The court may also, in its discretion, order the payment of the carrier's reasonable costs and counsel fees; but the delivery of the goods under an order of the court, as provided for in this section, shall not relieve the carrier from liability to a person to whom the order bill of lading has been or shall be negotiated for value, and without notice of the proceedings or the delivery of the goods. Provided, that nothing herein shall prevent the carrier from delivering the property covered by such lost bill of lading to any party claiming the same, on such terms as such party and the carrier may agree upon.

Sec. 10. The carrier shall not be liable under the provisions of this act where the property has been replevied or levied upon or taken from the possession of the carrier by other legal process, or has been lawfully sold to satisfy the carrier's lien, or in case of the sale or disposition of perishable, hazardous or unclaimed goods, in accordance with law.

Sec. 11. Any officer, agent or servant of any carrier, railroad or transportation company, or receiver thereof affected by this act, who shall fail or refuse to issue a bill of lading in accordance with this act and the regulations and orders of the Railroad Commission, when the same is rightfully demanded, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred (\$200) dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Sec. 12. Any officer, agent or servant of a carrier, railroad or other transportation company, or receiver thereof affected by this act, who shall wrongfully issue a bill of lading with the intent to defraud any person, or who shall with intent to defraud, knowingly misdescribe any goods, articles or other property, or the quantity or amount thereof, described in any bill of lading, or who shall knowingly issue a bill of lading without authority so to do with the intent to defraud any person shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by confinement in the State penitentiary for a term not less than two years and not exceeding ten years.



Sec. 13. Any person who shall forge the name of any agent of a railroad company or other common carrier to a bill of lading with the intent to defraud, or who shall forge the name of any person to any certificate attached to a bill of lading issued by such carrier with the intent to defraud, or who shall knowingly utter or attempt to utter any such forged instrument with intent to defraud, shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than five years and not exceeding fifteen years.

Sec. 14. Any officer, agent or servant of a common carrier who knowingly issues or aids in issuing or knowingly permits to be issued in parts or sets, or in duplicate, an order bill of lading shall be guilty of a felony, and upon conviction shall be punished for such offense by a fine not exceeding five thousand dollars and by confinement in the State penitentiary for a term not exceeding five years.

Sec. 15. Any person who knowingly, and with the intent to defraud, negotiates or transfers a bill of lading issued in violation of the provisions of this act, or who knowingly and with the intent to defraud, negotiates or transfers a bill of lading which contains any statement of fact that is untrue, and which statement relates to a material matter, shall be guilty of a felony and upon conviction of such offense shall be punished by a fine not exceeding five thousand dollars and by imprisonment in the State penitentiary for a term not exceeding ten years.

Sec. 16. Any person who shall knowingly and fraudulently procure and cause the agent of any common carrier to make and set forth in any bill of lading issued by him on behalf of such carrier any statements or representations which are false and which materially misrepresent the number, amount or quantity of the goods, chattels or other articles therein described, or who shall procure or cause any agent of a common carrier to issue to him a bill of lading with the intent to defraud, shall be deemed guilty of a felony and shall be punished by confinement in the penitentiary not less than two years nor more than five years.

Sec. 17. It shall be the duty of the Railroad Commission to adopt and prescribe forms, terms and conditions for

the authentication, certification or validation of bills of lading, and the manner and method of their issuance, and to take such steps as it may deem necessary to carry into effect the provisions of this act, and to give due notice to all carriers affected by the provisions of this act, and to the public as soon as practicable, and to designate the time when such regulations shall take effect, which shall not be later than October 31, A. D. 1910; and it shall have authority to amend, alter and modify, from time to time, as may seem to it expedient, any regulations which may be adopted by it in accordance with the provisions hereof, after giving due notice thereof to all carriers interested and to the public.

Sec. 18. The fact that the shipping season is near at hand, and that there is a universal demand that the commercial community be furnished with staple documents, and particularly with reference to bills of lading, in the movement of this year's cotton crop, creates an emergency and an imperative public necessity, authorizing the suspension of the constitutional rule requiring that bills be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted; provided, however, that the carriers and other persons affected by the provisions of this act shall have until the first day of November, A. D. 1910, in which to prepare and begin operations hereunder before the penalties provided by this act shall be assessed against them, or any of them.

Pending the reading of the above report, Senator Terrell of Bowie moved that the further reading of same be dispensed with, and the motion was adopted, but later the reading of same was called for, and the report was read.

After the reading of the report, the same was, on motion of Senator Harper, adopted by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Cofer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	



## Nays—3.

Hume. Terrell of Wise.  
Murray.

Absent.

Bryan. Greer.

Absent—Excused.

Perkins. Veale.  
Sturgeon. Willacy.

Senator Senter moved to reconsider the vote by which the report was adopted, and lay that motion on the table. The motion to table prevailed.

## REASONS FOR VOTING.

The Farmers' Union caused to be presented to the Legislature the bill of lading measure offered by us in order to relieve the fears of the banks in the handling of cotton bills of lading, and to enable bills to be readily negotiated and discounted, with drafts attached, when offered for sale by the small shipper, as well as the large. The measure easily passed the House of Representatives, and after numerous conferences in committee with the representatives of the Farmers' Union, the carriers and others interested, and the expenditure of much time and attention, we amended our measure until it met the views of all concerned, and was satisfactory. When our measure was reached in the Senate, for some reason, the majority threw down this measure of the Farmers' Union and adopted, over our protest, the Senter substitute, which was useless so far as the present emergency in Texas is concerned, and ran away with our bill, and threw the matter into conference, where we were unable further to assist in giving form to the measure. However, the Conference Committee has wisely receded from the action of the Senate and embraced in the conference bill the essential features of our original measure. We congratulate the committee on this action, and so vote "aye" for the report. The same result could have been more directly reached by passing the House measure as we offered to amend it. We would then have had a better, simpler and less complicated bill of lading law. There are some provisions in this conference bill which we struck out of our bill, and for these we do not stand, but vote for the bill as the only act we can now get.

COFER.  
MAYFIELD.

## ADJOURNMENT.

Senator Hume moved that the Senate adjourn until 9 o'clock tomorrow morning.

The motion prevailed.

## APPENDIX.

## COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

House bill No. 17, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to restrict corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act, and repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass with the following amendments and be not printed.

Weinert, Chairman; Meachum, Kauffman, Paulus, Hudspeth, Terrell of McLennan.

Note—The above report was read, and the amendments are not printed in the Journal by order of the Senate.